

CABS BOS DIFFERENCES LIST

Page ____ of ____

COMPANY NAME: _____
REASON FOR ISSUE: _____

VERSION NO: _____
LIST IMPLEMENTATION DATE: _____
ISSUE DATE: _____
PREVIOUS ISSUE DATE: _____

TRACKING NUMBER ①	③ DATA ELEMENT NAME	⑧ STATUS	STANDARD VERSION # ⑨	EXPLANATION OF DIFFERENCE ⑩	ITEM IMPL. DATE ❹

Key to Status Codes : N - new difference. C - change to existing difference. 1 - tariff/regulatory requirements. 2 - temporary assignment from BCR. 3 - standard not implemented. 4 - deviation made standard. 5 - miscellaneous, see explanation of difference.

CABS BOS DIFFERENCES LIST

Page ____ of ____

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TRACKING NUMBER ①	PHRASE CODE ④	PHRASE ⑥	⑧ STATUS	STANDARD VERSION # ⑨	EXPLANATION OF DIFFERENCE ⑩	ITEM IMPL. DATE *

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CABS BOS DIFFERENCES LIST

Page ___ of ___

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VERSION NO: _____
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ISSUE DATE: _____
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TRACKING NUMBER ①	LCPT IND ♦	LCPT DESCRIPTION ▲	⑧ STATUS	ITEM IMPL. DATE ✽

Key to Status Codes : N - new difference. C - change to existing difference. 1 - tariff/regulatory requirements. 2 - temporary assignment from BCR. 3 - standard not implemented 5 -miscellaneous, see explanation of difference.

Issued: 02-01-90

Revised: _____

Transmittal No: 42

**SUPPLEMENTAL REPLY DECLARATION OF
KATHLEEN McLEAN, RAYMOND WIERZBICKI, AND
CATHERINE T. WEBSTER**

ATTACHMENT 11

To: STEVEN R. SCHRAGE/EMPL/VA/Bell-Atl@Bell-Atl, Erin Peddle/EMPL/MA/Bell-Atl@VZNotes, Lynda A Gutro/EMPL/MA/Verizon@VZNotes, Stacey Kaiser@VZNotes, Kristen A. Masciulli@VZNotes, CHARMIAN R. LEE/EMPL/VA/Bell-Atl@VZNotes, jamey.rawls@verizon.com, MAI H. TRAN/EMPL/VA/Bell-Atl@VZNotes, Paul R. White/EMPL/MA/Verizon@VZNotes, Marc Ferland/EMPL/MA/Verizon@VZNotes, MICHAEL P. QUINN/EMPL/PA/Bell-Atl@VZNotes, Bradford B. Hill@VZNotes, APRIL B. LOPEZ/EMPL/VA/Bell-Atl@VZNotes, EDWARD M. CARROLL/EMPL/MD/Bell-Atl@VZNotes, CHIP SHEWBRIDGE/VEND/MD/Bell-Atl@VZNotes, Kathleen Fitzgerald@VZNotes, carolyn.sierra@verizon.com, andrew.a.akinola@verizon.com, Margaret T. Vermeal/VEND/NJ/Bell-Atl@VZNotes, Kwani T. Washington/EMPL/NJ/Verizon@VZNotes, Tamesia L. Majette/EMPL/NJ/Verizon@VZNotes, Jennifer J. Donkersloot/EMPL/NJ/Bell-Atl@Bell-Atl, Richard Sheehan/EMPL/MA/Verizon@VZNotes, ROBERT A. WOOD/EMPL/NJ/Bell-Atl@VZNotes, christopher.j.horan@verizon.com, Tanya Davis/EMPL/NY/Bell-Atl@VZNotes, NICOLE E. 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cc:

Subject: Verizon Billing Data Tape (BDT) Quality Assurance Process

FYI

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cc:

From: BA Change Control

Date: 08/24/2001 04:57:31 PM

Subject: Verizon Billing Data Tape (BDT) Quality Assurance Process

All-

Attached are the Verizon Quality Assurance Process for the Bill Data Tape in Delaware and New Jersey and the Quality Assurance Process for usage records.

Verizon Billing Data Tape (BDT) Quality Assurance Process - DE and NJ



DE_NJ_BDT_Quality_Notice.

Verizon Billing Data Tape (BDT) Quality Assurance Process - Usage Records



BDT ABC Notice.pd

Thank you



To: Change Control

Subject: Verizon Billing Data Tape (BDT) Quality Assurance Process

Description: The purpose of this communication is to advise CLECs and Resellers that Verizon has implemented a new quality assurance process for all Billing Data Tapes (BDTs) in the states of Delaware and New Jersey. In Delaware, this process became effective in May 2001.¹ This new quality assurance process became effective in New Jersey with the August 1st billing cycle.

As with the quality assurance process introduced in May 2001 for Pennsylvania, the new process in Delaware and New Jersey will involve a manual review and adjustment of the BDT to ensure that it balances internally and matches the paper bill. Manual adjustments, as necessary, will appear in the Other Credit and Charges (OC&C) section of the BDT and can be specifically identified by one or more of the following seven phrase codes introduced for this purpose:

- ❖ Summary Bill Transfer
- ❖ Unknown Usage
- ❖ Carrier Usage
- ❖ Out of Bill Period Local Service
- ❖ Unknown Local Service
- ❖ Unknown OC&C
- ❖ Local Usage

In the event a BDT is manually adjusted, Verizon will provide written notification to the individual CLEC/reseller. This notification will list the pertinent phrase codes and the associated dollar adjustment made to the BDT. Further, Verizon will provide a credit adjustment for these charges, as appropriate. The credit adjustment(s) will appear in the OC&C section of a subsequent bill. Verizon will also inform the CLEC/reseller, typically in the notice described above, of the specific credits issued.

¹ This occurred at same time, as the process became effective in Pennsylvania.

With the exception of the specific instances outlined above, CLECs/resellers should continue to adhere to established procedures for submission of billing claims. See CLEC Handbook Volume 111, Section 10.4 Claims and Adjustments, also http://128.11.40.241/east/wholesale/customer_docs/master.htm.

Questions regarding this communication should be addressed to your Verizon claims representative.

**SUPPLEMENTAL REPLY DECLARATION OF
KATHLEEN McLEAN, RAYMOND WIERZBICKI, AND
CATHERINE T. WEBSTER**

ATTACHMENT 12

NEW JERSEY
BDT Adjustments as a Percent of Current Charges

	Jan-02	Feb-02	Mar-02
	NJ	NJ	NJ
Total Current Charges	\$4,410,087.50	\$4,479,327.00	\$5,085,595.61
Total Adjustments	\$21,000.19	\$19,862.73	\$14,213.17
% of Current Charges	0.48%	0.44%	0.28%

**SUPPLEMENTAL REPLY DECLARATION OF
KATHLEEN McLEAN, RAYMOND WIERZBICKI, AND
CATHERINE T. WEBSTER**

ATTACHMENT 13

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIV. ACTION NO. 02-1082

CORECOMM MASSACHUSETTS, INC.

Plaintiff

VERIZON NEW ENGLAND INC., d/b/a
VERIZON MASSACHUSETTS

Defendant

MEMORANDUM OF DECISION AND ORDER
ON PLAINTIFF'S APPLICATION FOR PRELIMINARY INJUNCTION

Plaintiff Corecomm Massachusetts, Inc. ("Corecomm") which provides long distance and local telephone services to Massachusetts customers, has brought this action for injunctive relief against defendant Verizon New England Inc. ("Verizon") which, pursuant to a contract, has allowed plaintiff to use its network facilities in return for a fee. After a hearing on March 12, 2002 and after thorough review of the submissions of both parties, I conclude that plaintiff's motion for a preliminary injunction must be denied because the requirements of Packaging Industries v. Cheney, 380 Mass. 609, 617 (1980) have not been satisfied. Specifically, this Court makes note of the following facts:

1. The dispute between the parties is essentially over how much plaintiff owes to the defendant for the services that defendant has concededly provided under a contract between the two dated February 4, 2000 (the "Contract").¹ This monetary dispute dates back to January 2001.

2. Plaintiff concedes that it does owe money to the defendant but contends that it does not

¹The contract between the parties is attached as Exhibit C to the Affidavit of Jeanine Kirman, submitted in support of defendant's Opposition.

owe as much as defendant claims. It has nevertheless refused to pay any amounts, at least for the last six months. Similar billing disputes with Verizon are going on in seven other jurisdictions, where Corecomm has also failed to pay amounts (totaling \$17 million) that Verizon claims that Corecomm owes.

3. The Contract provides a mechanism by which a party may dispute a charge. Specifically, the Contract requires that the party specify in writing which bills, by account number and date, it is challenging and which items on the bill are being disputed. See §3.6.2 of Attachment VIII of Contract. Plaintiff concedes that it has not specified the amounts it is disputing, much less stated in writing which bills it is challenging. It has instead chosen to engage in what counsel described at the hearing as “informal settlement negotiations” over the last several months in lieu of utilizing the Contract’s procedures. Plaintiff’s claim, however, rests largely on its contention that Verizon itself has failed to follow these procedures.

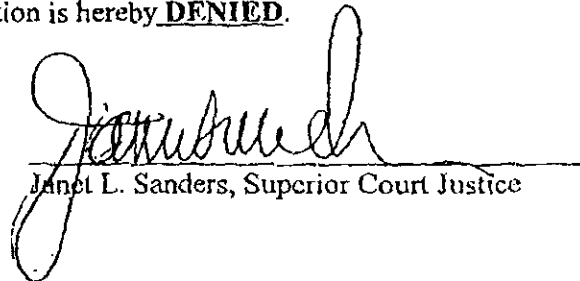
4. The plaintiff’s failure to pay resulted in Verizon deciding on March 8, 2002 that it would no longer provide new services to plaintiff or allow modifications to existing services. This decision followed three notices of default sent by Verizon to Corecomm between May 2001 and January 2002 warning Corecomm that it would take precisely the kind of action it is now taking if no payment were made. It is this so-called “embargo” on providing further services which plaintiff seeks to have the Court order the defendant to lift.

In light of the above, this Court concludes that Corecomm has no reasonable likelihood of success on the merits and that it has failed to demonstrate irreparable harm of the sort which no award of monetary damages would suffice to remedy. As to the merits, Corecomm’s claim is essentially that Verizon has violated the terms of the Contract by failing to follow the procedures set forth therein to resolve billing disputes. However, Corecomm itself has not taken the steps

necessary to initiate the procedures set forth in the Contract for such dispute resolution. Moreover, it concedes that it does owe some substantial some of money to Verizon but has refused to pay any amounts. There is nothing in the Contract to permit the withholding of even undisputed amounts in an effort to gain leverage as to the disputed charges.

As to the requirement of irreparable harm, this is essentially a dispute over money which ultimately resulted in an embargo on further services because plaintiff elected not to follow the procedures outlined in the Contract but instead decided not to pay anything. Any irreparable harm to plaintiff at this point in time would therefore appear to be self-inflicted, since Corecomm could have avoided the embargo by making a substantial payment to Verizon.² Certainly, if it is believes that it overpaid, Corecomm's legal remedies are adequate. On the other hand, if the request for injunctive relief were allowed, this in itself could cause irreparable harm to the defendant, since such an order would require Verizon not only to continue to supply services already in place but to provide new services to a party that has concededly failed to pay anything in the last six months for the services it has already received. In short, as Verizon stated in its Memorandum, this is either an attempt to "get something for nothing" or to gain leverage in a dispute over money. This Court is unwilling to exercise its equitable powers in aid of these efforts.

Accordingly, for all the foregoing reasons, and for the other reasons stated in the defendant's Opposition, the Motion for a Preliminary Injunction is hereby DENIED.



Janet L. Sanders, Superior Court Justice

Dated: March 13, 2002

²Indeed, it was stated at the argument on this Motion that this is precisely what has happened in other jurisdictions where embargos were threatened: Corecomm made a substantial payment toward its bills and Verizon decided not to proceed.

SUPPLEMENTAL REPLY DECLARATION OF
KATHLEEN McLEAN, RAYMOND WIERZBICKI, AND
CATHERINE T. WEBSTER

ATTACHMENT 14

REDACTED – FOR PUBLIC INSPECTION

REDACTED – FOR PUBLIC INSPECTION

SUPPLEMENTAL REPLY DECLARATION OF
KATHLEEN McLEAN, RAYMOND WIERZBICKI, AND
CATHERINE T. WEBSTER

ATTACHMENT 15

REDACTED – FOR PUBLIC INSPECTION

REDACTED – FOR PUBLIC INSPECTION

